

AMENDED IN ASSEMBLY AUGUST 30, 2006

CALIFORNIA LEGISLATURE—2005–06 SECOND EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 17

**Introduced by Committee on Correctional Policy and Fiscal Issues
(Leno (Chair), Bass, Chu, Laird, and Lieber)**

August 28, 2006

An act to add Chapter 3.21 (commencing with Section 15819.34) and Chapter 3.22 (commencing with Section 15819.38) to Part 10b of Division 3 of Title 2 of the Government Code, to amend Sections 7003, 7003.5, and 13602 of, to add Sections 7021 and 7004.5 to, and to add Chapter 9.8 (commencing with Section 6270) to Title 7 of Part 3 of, the Penal Code, and to repeal Section 2.5 of Chapter 1416 of the Statutes of 1987, relating to prisons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 17, as amended, Committee on Correctional Policy and Fiscal Issues. Prisons: additional capacity: financing.

Existing law charges the Department of Corrections and Rehabilitation with the responsibility of planning and constructing state correctional facilities and permits funding for the construction of various prisons through lease-purchase financing arrangements.

This bill would require the department to design, construct, or renovate housing units and related support buildings and facilities for specified purposes. The bill would require the State Public Works Board to approve and provide administrative oversight for these projects. The bill would also require the department to submit a report to the Legislature for approval. The bill would authorize the State Public Works Board to issue revenue bonds to finance those projects.

This bill would also authorize the secretary of the department to use the design-build construction procurement process, as defined. As part of that process, the bill would require a design-build entity to make various declarations related to its ability to adequately perform the work. A person who files a declaration that he or she knows to be false would be guilty of a misdemeanor. Because the bill would create a new crime, it would impose a state-mandated local program.

This bill would authorize the department to begin planning and designing the establishment of reentry program facilities in collaboration with local entities.

Existing law provides for the review and approval of prison construction by the Joint Legislative Committee on Prison Construction and Operation.

This bill would transfer those functions to the Joint Legislative Budget Committee.

This bill would provide that specified provisions of existing law concerning the procurement and selection of services by a state agency head shall not apply if the department expands the scope of an existing contract or enters into a contract with specified firms to perform all required services for an authorized construction project, as specified.

Existing law authorizes the department to train correctional officers at specified locations.

This bill would authorize the department to establish a new training center in southern California.

This bill would authorize the department to use the Northern California Women's Facility in Stockton as a reception center.

This bill would appropriate \$311,731,000 from the General Fund to the Department of Corrections and Rehabilitation for specified purposes related to planning new correctional facilities or renovating existing facilities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.21 (commencing with Section
2 15819.34) is added to Part 10b of Division 3 of Title 2 of the
3 Government Code, to read:

4
5 CHAPTER 3.21. FINANCING FOR CONSTRUCTION AND
6 RENOVATION OF PRISON FACILITIES
7

8 15819.34. The Department of Corrections and Rehabilitation
9 shall design, construct, or renovate prison housing units, prison
10 support buildings, and programming space in order to add 5,340
11 beds at existing prison facilities. The department may use the
12 design-build provisions of Section 15819.371 for these projects.
13 The scope and costs of these projects shall be subject to approval
14 and administrative oversight by the State Public Works Board,
15 including augmentations, pursuant to Sections 13332.11 and
16 13332.19. Any new beds constructed pursuant to this section
17 shall be supported by rehabilitative programing for inmates,
18 including, but not limited to, education, vocational programs,
19 substance abuse treatment programs, and prerelease planning.

20 15819.35. For all projects approved for financing by the
21 board pursuant to Section 15819.34, the board may borrow funds
22 for project costs, including studies, preliminary plans and
23 working drawings, construction and construction related costs
24 from the Pooled Money Investment Account pursuant to Sections
25 16312 and 16313. Project funds expended prior to project
26 approval by the board shall not be reimbursable from the
27 proceeds of the bonds.

28 15819.36. (a) The board may issue revenue bonds,
29 negotiable notes, or negotiable bond anticipation notes pursuant
30 to this part to finance the design, construction, and the costs of
31 interim financing of the projects authorized in Section 15819.34.
32 Authorized costs for design, construction, and construction
33 related costs, for all projects approved for financing by the board
34 pursuant to Section 15819.34, shall not exceed six hundred six
35 million three hundred fifty thousand dollars (\$606,350,000).

(b) Notwithstanding Section 13340, funds derived from interim financing, revenue bonds, negotiable notes, or negotiable bond anticipation notes issued pursuant to this chapter are hereby continuously appropriated to the board on behalf of the Department of Corrections and Rehabilitation for the purposes specified in Section 15819.34.

(c) For the purposes of this section, “construction related costs” may include mitigation costs of local government and school districts and may be made available pursuant to subdivisions (c) and (d) of Section 7005.5 of the Penal Code.

15819.37. Notwithstanding Section 15819.36, the amount of revenue bonds, negotiable notes, or negotiable bond anticipation notes to be sold shall equal the following:

(a) The cost of design, construction or construction management and supervision, and other costs related to the design and construction of the facilities, including augmentations.

(b) Sums necessary to pay interim financing.

(c) In addition to the amount authorized by Section 15819.36, any additional amount as may be authorized by the board to establish a reasonable construction reserve and to pay the costs of financing, including the payment of interest during acquisition or construction of the project, the cost of financing a debt-service reserve fund, and the cost of issuance of permanent financing for the project. This additional amount may include interest payable on any interim loan for the facility from the General Fund or the Pooled Money Investment Account pursuant to Sections 16312 and 16313.

15819.371. (a) For the purposes of this section, the following definitions shall apply:

(1) “Design-build” means a construction procurement process in which both the design and construction of a project are procured from a single entity.

(2) “Design-build project” means a capital outlay project using the design-build construction procurement process.

(3) “Design-build entity” means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed.

(4) “Design-build solicitation package” means the performance criteria, any concept drawings deemed necessary by

1 the department, the form of contract, and all other documents and
2 information that serve as the basis on which bids or proposals
3 will be solicited from the design-build entities.

4 (5) “Design-build phase” means the period following the
5 award of a contract to a design-build entity in which the
6 design-build entity completes the design and construction
7 activities necessary to fully complete the project in compliance
8 with the terms of the contract.

9 (6) “Performance criteria” means the information that fully
10 describes the scope of the proposed project and includes, but is
11 not limited to, the size, type, and design character of the
12 buildings and site; the required form, fit, function, operational
13 requirements, and quality of design, materials, equipment, and
14 workmanship; and any other information deemed necessary to
15 sufficiently describe the state’s needs.

16 (7) “Concept drawings” means any drawings or architectural
17 renderings that are prepared, in addition to performance criteria,
18 in the detail that the secretary determines necessary to
19 sufficiently describe the state’s needs.

20 (b) Prior to contracting with a design-build entity for the
21 procurement of state prison facilities and other prison buildings
22 and structures and related facilities, the secretary shall do all of
23 the following:

24 (1) Prepare a program setting forth the performance criteria for
25 the design-build project. The performance criteria shall be
26 prepared by a design professional duly licensed and registered in
27 the State of California.

28 (2) (A) Establish a competitive prequalification and selection
29 process for design-build entities, including any subcontractors
30 listed at the time of bid, that clearly specifies the prequalification
31 criteria and states the manner in which the winning design-build
32 entity will be selected.

33 (B) Prequalification shall be limited to consideration of all of
34 the following criteria:

35 (i) Possession of all required licenses, registration, and
36 credentials in good standing that are required to design and
37 construct the project.

38 (ii) Submission of evidence that establishes that the
39 design-build entity members have completed, or demonstrated
40 the capability to complete, projects of similar size, scope, or

1 complexity, and that proposed key personnel have sufficient
2 experience and training to competently manage and complete the
3 design and construction of the project.

4 (iii) Submission of a proposed project management plan that
5 establishes that the design-build entity has the experience,
6 competence, and capacity needed to effectively complete the
7 project.

8 (iv) Submission of evidence that establishes that the
9 design-build entity has the capacity to obtain all required
10 payment and performance bonding, liability insurance, and errors
11 and omissions insurance, as well as a financial statement that
12 assures the department that the design-build entity has the
13 capacity to complete the project.

14 (v) Provision of a declaration certifying that applicant
15 members of the design-build entity have not had a surety
16 company finish work on any project within the last five years.

17 (vi) Provision of information and a declaration providing
18 detail concerning all of the following:

19 (I) Any construction or design claim or litigation totaling more
20 than five hundred thousand dollars (\$500,000) or 5 percent of the
21 annual value of work performed, whichever is less, settled
22 against any member of the design-build entity over the last five
23 years.

24 (II) Serious violations of the Occupational Safety and Health
25 Act, as provided in Part 1 (commencing with Section 6300) of
26 Division 5 of the Labor Code, settled against any member of the
27 design-build entity.

28 (III) Violations of federal or state law, including, but not
29 limited to, those laws governing the payment of wages, benefits,
30 or personal income tax withholding, or of Federal Insurance
31 Contributions Act (FICA) withholding requirements, state
32 disability insurance withholding, or unemployment insurance
33 payment requirements, settled against any member of the
34 design-build entity over the last five years. For the purposes of
35 this subclause, only violations by a design-build member as an
36 employer shall be deemed applicable, unless it is shown that the
37 design-build entity member, in his or her capacity as an
38 employer, had knowledge of his or her subcontractor's violations
39 or failed to comply with the conditions set forth in subdivision
40 (b) of Section 1775 of the Labor Code.

1 (IV) Information required by Section 10162 of the Public
2 Contract Code.

3 (V) Violations of the Contractors' State License Law, Chapter
4 9 (commencing with Section 7000) of Division 3 of the Business
5 and Professions Code, excluding alleged violations or
6 complaints.

7 (VI) Any conviction of any member of the design-build entity
8 of submitting a false or fraudulent claim to a public agency over
9 the last five years.

10 (vii) Provision of a declaration that the design-build entity will
11 comply with all other provisions of law applicable to the project,
12 including, but not limited to, the requirements of Chapter 1
13 (commencing with Section 1720) of Part 7 of Division 2 of the
14 Labor Code, *including establishing and enforcing a labor*
15 *compliance program containing the requirements outlined in*
16 *Section 1771.5 of the Labor Code, or contracting with a third*
17 *party to operate a labor compliance program containing the*
18 *requirements outlined in Section 1771.5 of the Labor Code. This*
19 *requirement shall not apply to any project in which the*
20 *department or the design-build entity has entered into any*
21 *collective bargaining agreement or agreements that bind all of*
22 *the contractors performing the work on the projects.*

23 (viii) *Existence of an agreement with a registered*
24 *apprenticeship program, approved by the California*
25 *Apprenticeship Council, that has graduated apprentices in each*
26 *of the preceding five years. This graduation requirement shall*
27 *not apply to programs providing apprenticeship training for any*
28 *craft that has been deemed by the Department of Labor and the*
29 *Department of Industrial Relations to be an apprenticeable craft*
30 *in the five years prior to enactment of this act.*

31 (ix) *An acceptable safety record. A design-build entity's safety*
32 *record shall be deemed acceptable if its experience modification*
33 *rate for the most recent three-year period is an average of 1.00*
34 *or less, and its average total recordable injury or illness rate and*
35 *average lost work rate for the most recent three-year period does*
36 *not exceed the applicable statistical standards for its business*
37 *category or if the design-build entity is a party to an alternative*
38 *dispute resolution system as provided for in Section 3201.5 of the*
39 *Labor Code.*

1 (C) The secretary, when requested by the design-build entity,
2 shall hold in confidence any information required by clauses (i)
3 to (vi), inclusive.

4 (D) Any declaration required under subparagraph (B) shall
5 state that reasonable diligence has been used in its preparation
6 and that it is true and complete to the best of the signer's
7 knowledge. A person who certifies as true any material matter
8 that he or she knows to be false is guilty of a misdemeanor and
9 shall be punished by not more than one year in a county jail, by a
10 fine of not more than five thousand dollars (\$5,000), or by both
11 the fine and imprisonment.

12 (3) (A) Determine, as he or she deems in the best interests of
13 the state, which of the methods listed in subparagraph (B) will be
14 used as the process for the winning design-build entity. The
15 secretary shall provide a notification to the State Public Works
16 Board, regarding the method selected for determining the
17 winning design-build entity, at least 30 days prior to publicizing
18 the design-build solicitation package.

19 (B) The secretary shall make his or her determination by
20 choosing one of the following methods:

21 (i) A design-build competition based upon performance, price,
22 and other criteria set forth by the department in the design-build
23 solicitation package. The department shall establish technical
24 criteria and methodology, including price, to evaluate proposals
25 and shall describe the criteria and methodology in the
26 design-build solicitation package. Award shall be made to the
27 design-build entity whose proposal is judged as providing the
28 best value in meeting the interest of the department and meeting
29 the objectives of the project.

30 (ii) A design-build competition based upon performance and
31 other criteria set forth by the department in the design-build
32 solicitation package. Criteria used in this evaluation of proposals
33 may include, but need not be limited to, items such as proposed
34 design approach, life-cycle costs, project features, and functions.
35 However, any criteria and methods used to evaluate proposals
36 shall be limited to those contained in the design-build solicitation
37 package. Award shall be made to the design-build entity whose
38 proposal is judged as providing the best value, for the lowest
39 price, meeting the interests of the department and meeting the
40 objectives of the project.

1 (4) For the purposes of this subdivision, the following
2 definitions apply:

3 (A) “Best interest of the state” means a design-build process
4 that is projected by the secretary to reduce the project delivery
5 schedule and total cost of a project while maintaining a high level
6 of quality workmanship and materials, when compared to the
7 traditional design-bid-build process.

8 (B) “Best value” means a value determined by objective
9 criteria that may include, but is not limited to, price, features,
10 functions, life cycle costs, experience, and other criteria deemed
11 appropriate by the department.

12 (c) The Legislature recognizes that the design-build entity is
13 charged with performing both design and construction. Because
14 a design-build contract may be awarded prior to the completion
15 of the design, it is often impracticable for the design-build entity
16 to list all subcontractors at the time of the award. As a result, the
17 subcontractor listing requirements contained in Chapter 4
18 (commencing with Section 4100) of Part 1 of Division 2 of the
19 Public Contract Code may create a conflict with the
20 implementation of the design-build process by requiring all
21 subcontractors to be listed at a time when a sufficient set of plans
22 may not be available. It is the intent of the Legislature to
23 establish a clear process for the selection and award of
24 subcontracts entered into pursuant to this section in a manner that
25 retains protection for subcontractors while enabling design-build
26 projects to be administered in an efficient fashion. Therefore, all
27 of the following requirements shall apply to subcontractors,
28 licensed pursuant to Chapter 9 (commencing with Section 7000)
29 of Division 3 of the Business and Professions Code, that are
30 employed on design-build projects undertaken pursuant to this
31 section:

32 (1) The department, in each design-build solicitation package,
33 may identify types of subcontractors, by subcontractor license
34 classification, that will be listed by the design-build entity at the
35 time of the bid. In selecting the subcontractors that will be listed
36 by the design-build entity, the department shall limit the
37 identification to only those license classifications deemed
38 essential for proper completion of the project. In no event,
39 however, may the department specify more than five licensed
40 subcontractor classifications. In addition, at its discretion, the

1 design-build entity may list an additional two subcontractors,
2 identified by subcontractor license classification, that will
3 perform design or construction work, or both, on the project. In
4 no event shall the design-build entity list at the time of bid a total
5 amount of subcontractors that will perform design or
6 construction work, or both, in a total of more than seven
7 subcontractor license classifications on a project. All
8 subcontractors that are listed at the time of bid shall be afforded
9 all of the protection contained in Chapter 4 (commencing with
10 Section 4100) of Part 1 of Division 2 of the Public Contract
11 Code. All subcontracts that were not listed by the design-build
12 entity at the time of bid shall be awarded in accordance with
13 paragraph (2).

14 (2) All subcontracts that were not to be performed by the
15 design-build entity in accordance with paragraph (1) shall be
16 competitively bid and awarded by the design-build entity, in
17 accordance with the design-build process set forth by the
18 department in the design-build solicitation package. The
19 design-build entity shall do all of the following:

20 (A) Provide public notice of the availability of work to be
21 subcontracted in accordance with Section 10140 of the Public
22 Contract Code.

23 (B) Provide a fixed date and time on which the subcontracted
24 work will be awarded in accordance with Section 10141 of the
25 Public Contract Code.

26 (C) As authorized by the department, establish reasonable
27 prequalification criteria and standards, limited in scope to those
28 detailed in paragraph (2) of subdivision (b).

29 (D) Provide that the subcontracted work shall be awarded to
30 the lowest responsible bidder.

31 (d) This section shall not be construed and is not intended to
32 extend or limit the authority specified in Section 19130.

33 (e) Any design-build entity that is selected to design and
34 construct a project pursuant to this section shall possess or obtain
35 sufficient bonding consistent with applicable provisions of the
36 Public Contract Code. Nothing in this section shall prohibit a
37 general or engineering contractor from being designated the lead
38 entity on a design-build entity for the purposes of purchasing
39 necessary bonding to cover the activities of the design-build
40 entity.

(f) Any payment or performance bond written for the purposes of this section shall use a bond form developed by the department. In developing the bond form, the department shall consult with the surety industry to achieve a bond form that is consistent with surety industry standards, while protecting the interests of the state.

(g) Notwithstanding Section 4 of Chapter 252 of the Statutes of 1998, the provisions of Section 13332.19 shall remain operative and the provisions of that section relating to design-build projects under the jurisdiction of the Department of General Services shall also apply to design-build projects authorized under this chapter.

SEC. 2. Chapter 3.22 (commencing with Section 15819.38) is added to Part 10b of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 3.22. PLANNING FOR ADDITIONAL PRISON
CAPACITY

15819.38. On or before, April 1, 2007, and prior to any request for funding in addition to the bonds authorized pursuant to Section 15819.36 and the funding provided in the act adding this chapter, the Department of Corrections and Rehabilitation shall submit to the Legislature a report, which shall include all of the following information:

(a) An analysis of current prison bed capacity and population, by classification levels and special housing needs, and a projection of prison bed deficiencies and surpluses. The analysis and projections shall cover the time period through January 1, 2017.

(b) A review of options for sites for new prison capacity. The review shall include examination of permanent reactivation of state-owned correctional facilities that are currently closed, construction of new facilities on the grounds of current state-owned correctional facilities, and construction of facilities in other areas.

(c) A review of prison inmate housing alternatives, including, but not limited to, facilities specifically designed to house and provide medical care, facilities for geriatric inmates, substance abuse treatment facilities, mental health treatment facilities,

1 education and employment training facilities, facilities for special
2 inmate populations such as sex offenders, and facilities designed
3 to house inmates with short prison stays or inmates about to be
4 released from incarceration.

5 (d) A review *by the Office of Planning and Research* of
6 alternatives that could reduce the number of prison beds needed
7 over the next 10 years, including, but not limited to,
8 nonresidential custody and treatment options, compassionate
9 release, medical release, and release with enhanced community
10 supervision and other recidivism reduction strategies consistent
11 with Provision 18 of Item 5225-001-0001 of Chapter 48, Statutes
12 of 2006.

13 (e) An analysis of the costs to the state for construction, annual
14 operation and maintenance, and debt services, for the additional
15 prison capacity.

16 SEC. 3. Chapter 9.8 (commencing with Section 6270) is
17 added to Title 7 of Part 3 of the Penal Code, to read:

18
19 CHAPTER 9.8. REENTRY PROGRAM FACILITIES
20

21 6270. The Legislature finds and declares the following:

22 (a) The continuity of services provided both before and after
23 the person's release to parole will improve the parolee's
24 opportunity for successful reintegration into society.

25 (b) Placing an inmate in a secure correctional facility within
26 the community prior to their parole into that community provides
27 the opportunity for both parole and local law enforcement
28 personnel to better coordinate supervision of that parolee.

29 6271. (a) The Department of Corrections and Rehabilitation
30 is authorized to begin the process of planning and design for the
31 establishment of reentry program facilities pursuant to this
32 chapter. These facilities shall be secure facilities of up to 500
33 beds, be for inmates within one year of being released or
34 rereleased from custody, and, to the extent possible, be located in
35 urban locations.

36 (b) These facilities shall only be established in a city, county,
37 or city and county that requests a reentry program facility, and
38 the proposed location of the facility shall be identified by the
39 city, county or city and county.

1 6272. Reentry program facilities shall provide programming
2 to inmates and parole violators tailored to the specific problems
3 faced by this population when reintegrating into society. Persons
4 housed in these facilities shall receive risk and needs
5 assessments, case management services, and wrap-around
6 services that provide a continuity of support services between
7 custody and parole.

8 6273. In the locations where a reentry program facility is
9 established, the Department of Corrections and Rehabilitation
10 shall develop a collaborative partnership with the local
11 government, local law enforcement, and community service
12 providers.

13 SEC. 4. Section 7003 of the Penal Code is amended to read:

14 7003. (a) For each facility included within its master plan, at
15 least 30 days prior to submission pursuant to subdivision (b), the
16 department shall submit the site plans and project planning guide
17 which is to include preliminary staffing ratios, to the Joint
18 Legislative Budget Committee for review.

19 The chairman may request a longer period of review if
20 necessary for the committee and if feasible for compliance by the
21 department.

22 (b) The department shall submit completed preliminary plans,
23 proposed staffing patterns and proposed inmate work programs
24 for all facilities included within its master plan, as defined in
25 subdivision (b) of Section 7000, as soon as is practicable, but no
26 later than 45 days prior to submission to the Public Works Board,
27 to the Joint Legislative Budget Committee for review and
28 approval. The department shall submit proposed staffing patterns
29 at the time preliminary plans for inmate housing facilities are
30 submitted. The department shall submit proposed inmate
31 work-training programs at the time preliminary plans for the
32 industrial vocational education buildings are submitted.

33 If the committee does not, by majority vote of the committee
34 membership, approve the submittal, the Public Works Board
35 shall not act upon the affected plans. If the committee fails to
36 take any action with respect to the submitted plans within 45
37 days after submittal, this inaction shall be deemed to be approval
38 for purposes of this section.

39 SEC. 5. Section 7003.5 of the Penal Code is amended to read:

1 7003.5. (a) The department shall provide each member of the
2 Joint Legislative Budget Committee with periodic reports on the
3 progress of site selection for new prisons or facilities that provide
4 medical, mental health, and long-term care, reentry program
5 facilities, and expansion of and infrastructure changes at existing
6 facilities.

7 (b) On January 1 of each year, the department shall report to
8 the Joint Legislative Budget Committee on areas being
9 considered for proposed prison facilities, the size of the facilities
10 planned, financing, and how each facility fits into the
11 department's master plan. The report shall also include the status
12 of each proposed prison or facility that provides medical, mental
13 health, and long-term care, reentry program facilities, and
14 expansion of and infrastructure changes at existing facilities, and
15 sites being planned for preliminary studies if known at that time.

16 (c) The committee may take appropriate advisory action
17 concerning any submittals required by this section.

18 (d) This section applies to regular prison facilities, major
19 enlargements and infrastructure changes at existing facilities,
20 prison facility construction and expansion, for the provision of
21 medical, mental health, and long-term care, and return to custody
22 facilities, whether or not built or operated exclusively by the
23 department.

24 SEC. 6. Section 7004.5 is added to the Penal Code, to read:

25 7004.5. The Department of Corrections and Rehabilitation
26 shall meet with representatives of cities or counties, if the prison
27 is located in an unincorporated location, whenever the
28 Legislature—~~authorized~~ *authorizes* the planning, design, or
29 construction of new permanent housing units. The meeting shall
30 take place prior to the completion of the review required by
31 Division 13 (commencing with Section 21000) of the Public
32 Resources Code. The department shall describe the scope of the
33 project, the project schedule, and shall consider comments from
34 the city or county representatives regarding the project's impact.

35 SEC. 7. Section 7021 is added to the Penal Code, to read:

36 7021. Sections 4527 and 4528 of the Government Code shall
37 not apply if the Department of Corrections and Rehabilitation
38 expands the scope of an existing contract with a firm providing
39 architectural or engineering services, or both, or construction
40 project management services, or if it enters into a contract with a

1 firm that has previously provided any of these services to the
2 department, to perform all required architectural, engineering, or
3 construction project management services for any construction
4 project authorized pursuant to legislation enacted in the 2005–06
5 Second Extraordinary Session.

6 SEC. 8. Section 13602 of the Penal Code is amended to read:

7 13602. (a) (1) The Department of Corrections and
8 Rehabilitation may use the training academy at Galt or the
9 training center in Stockton. The academy at Galt shall be known
10 as the Richard A. McGee Academy. The training divisions, in
11 using the funds, shall endeavor to minimize costs of
12 administration so that a maximum amount of the funds will be
13 used for providing training and support to correctional peace
14 officers while being trained by the department.

15 (2) In addition to the locations identified in paragraph (1), the
16 department may establish a training academy for correctional
17 officers in southern California.

18 (b) Each new cadet who attends an academy shall complete
19 the course of training, pursuant to standards approved by the
20 Corrections Standards Authority before he or she may be
21 assigned to a post or job as a peace officer. Every newly
22 appointed first-line or second-line supervisor in the Department
23 of Corrections and Rehabilitation shall complete the course of
24 training, pursuant to standards approved by the authority for that
25 position.

26 (c) The Department of Corrections and Rehabilitation shall
27 make every effort to provide training prior to commencement of
28 supervisory duties. If this training is not completed within six
29 months of appointment to that position, any first-line or
30 second-line supervisor shall not perform supervisory duties until
31 the training is completed.

32 SEC. 9. Section 2.5 of Chapter 1416 of the Statutes of 1987 is
33 repealed.

34 SEC. 10. Notwithstanding any other provision of law, the
35 Department of Corrections and Rehabilitation is authorized to
36 use the Northern California Women's Facility in Stockton as a
37 reception center.

38 SEC. 11. The sum of three hundred eleven million seven
39 hundred thirty-one thousand dollars (\$311,731,000) is hereby

1 appropriated from the General Fund to the Department of
2 Corrections and Rehabilitation for the following purposes:

3 (a) To plan for reentry program facilities pursuant to Chapter
4 9.8 (commencing with Section 6270) of Title 7 of Part 3 of the
5 Penal Code.

6 (b) To plan and develop proposals for new facilities that
7 provide medical, mental health, and long-term care on land
8 currently under the jurisdiction of the department.

9 (c) For preliminary plans and working drawings for the
10 renovation and construction of approximately ~~10,900~~ 8,400
11 additional beds and support buildings, including facilities for
12 providing rehabilitative programming and health care services to
13 inmates at existing prisons or on land currently under the
14 jurisdiction of the department adjacent to existing prisons.

15 (d) For preliminary plans, working drawings and construction
16 to renovate, improve or expand infrastructure capacity at existing
17 prison facilities.

18 (e) To plan and develop proposals for a new southern
19 California correctional officer training facility.

20 (f) For preliminary plans, working drawings, and construction
21 at the California Rehabilitation Center in order to perform the
22 necessary construction to convert 800 beds to house male
23 inmates.

24 (g) To provide the necessary departmental support for the
25 design, planning, and construction activities consistent with this
26 measure, support for the inmate-ward labor program, support for
27 the transfer of inmates to out-of-state facilities and support for
28 alternative housing for cadets displaced by the conversion of the
29 Northern California Women's Facility to a reception center. Any
30 funding expended for this component shall require written
31 justification and notification to the Legislature by the secretary of
32 the department, no later than January 10, 2007.

33 SEC. 12. No reimbursement is required by this act pursuant
34 to Section 6 of Article XIII B of the California Constitution
35 because the only costs that may be incurred by a local agency or
36 school district will be incurred because this act creates a new
37 crime or infraction, eliminates a crime or infraction, or changes
38 the penalty for a crime or infraction, within the meaning of
39 Section 17556 of the Government Code, or changes the

1 definition of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

3 SEC. 13. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety
5 within the meaning of Article IV of the Constitution and shall go
6 into immediate effect. The facts constituting the necessity are:

7 As of June 2006, the prison inmate population totaled nearly
8 172,000. More than 16,000 inmates are being housed in buildings
9 that were not designed as housing units, and all capacity in these
10 nontraditional spaces will be exhausted by June 2007. In order to
11 provide prison capacity beyond 2007, it is necessary that this act
12 take effect immediately.

13
14
15 CORRECTIONS: _____

16 Heading—Amended Date
17 _____

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